

**ASSEMBLY BILL**

**No. 2937**

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**Introduced by Assembly Member Solorio**

February 22, 2008

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An act to amend Section 594 of the Penal Code, relating to vandalism.

LEGISLATIVE COUNSEL'S DIGEST

AB 2937, as introduced, Solorio. Vandalism.

Existing law makes a person who maliciously commits any of specified destructive acts with respect to the real or personal property of another guilty of the crime of vandalism.

This bill would make nonsubstantive changes to that provision.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 594 of the Penal Code is amended to  
2     read:  
3     594. (a) Every person who maliciously commits any of the  
4     following acts with respect to any real or personal property not his  
5     or her own, in cases other than those specified by state law, is  
6     guilty of vandalism:  
7         (1) Defaces with graffiti or other inscribed material.  
8         (2) Damages.  
9         (3) Destroys.  
10    Whenever a person violates this subdivision with respect to real  
11    property, vehicles, signs, fixtures, furnishings, or property  
12    belonging to any public entity, as defined by Section 811.2 of the

1 Government Code, or the federal government, it shall be a  
2 permissive inference that the person ~~neither owned~~ *did not own*  
3 the property ~~nor had or have~~ the permission of the owner to deface,  
4 damage, or destroy the property.

5 (b) (1) If the amount of defacement, damage, or destruction is  
6 four hundred dollars (\$400) or more, vandalism is punishable by  
7 imprisonment in the state prison or in a county jail not exceeding  
8 one year, or by a fine of not more than ten thousand dollars  
9 (\$10,000), or if the amount of defacement, damage, or destruction  
10 is ten thousand dollars (\$10,000) or more, by a fine of not more  
11 than fifty thousand dollars (\$50,000), or by both that fine and  
12 imprisonment.

13 (2) (A) If the amount of defacement, damage, or destruction is  
14 less than four hundred dollars (\$400), vandalism is punishable by  
15 imprisonment in a county jail not exceeding one year, or by a fine  
16 of not more than one thousand dollars (\$1,000), or by both that  
17 fine and imprisonment.

18 (B) If the amount of defacement, damage, or destruction is less  
19 than four hundred dollars (\$400), and the defendant has been  
20 previously convicted of vandalism or affixing graffiti or other  
21 inscribed material under Section 594, 594.3, 594.4, 640.5, 640.6,  
22 or 640.7, vandalism is punishable by imprisonment in a county  
23 jail for not more than one year, or by a fine of not more than five  
24 thousand dollars (\$5,000), or by both that fine and imprisonment.

25 (c) Upon conviction of any person under this section for acts  
26 of vandalism consisting of defacing property with graffiti or other  
27 inscribed materials, the court may, in addition to any punishment  
28 imposed under subdivision (b), order the defendant to clean up,  
29 repair, or replace the damaged property himself or herself, or order  
30 the defendant, and his or her parents or guardians if the defendant  
31 is a minor, to keep the damaged property or another specified  
32 property in the community free of graffiti for up to one year.  
33 Participation of a parent or guardian is not required under this  
34 subdivision if the court deems this participation to be detrimental  
35 to the defendant, or if the parent or guardian is a single parent who  
36 must care for young children.

37 (d) If a minor is personally unable to pay a fine ~~levied~~ *imposed*  
38 for acts prohibited by this section, the parent of that minor shall  
39 be liable for payment of the fine. A court may waive payment of

1 the fine, or any part thereof, by the parent upon a finding of good  
2 cause.

3 (e) As used in this section, the term “graffiti or other inscribed  
4 material” includes any unauthorized inscription, word, figure,  
5 mark, or design, that is written, marked, etched, scratched, drawn,  
6 or painted on real or personal property.

7 (f) The court may order any person ordered to perform  
8 community service or graffiti removal pursuant to paragraph (1)  
9 of subdivision (c) to undergo counseling.

10 (g) This section shall become operative on January 1, 2002.

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